



ATTORNEY'S DOCKET NO.: 2003080-0054 (SK-893-US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Danishefsky *et al.* Examiner: Canella, Karen A.  
Serial No.: 09/641,742 Art Unit: 1642  
Filed : August 18, 2000  
For: NOVEL GLYCOCONJUGATES, GLYCOAMINO ACIDS, INTERMEDIATES  
THERE TO, AND USES THEREOF

Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

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**PETITION UNDER 37 C.F.R. § 1.183**

Applicant hereby requests that 37 C.F.R. § 1.181(f) be waived and that the Petition to Withdraw Holding of Abandonment under 37 C.F.R. § 1.181(a) filed concurrently herewith more than two months of the mail date of the Notice of Abandonment in the above-captioned Application be treated on its merits.

Applicant respectfully submits that (i) the holding of abandonment is erroneous, (ii) the Application is in fact not abandoned and (iii) Applicant has diligently sought revival of the present Application immediately upon being advised of the abandonment, or shortly thereafter.

Applicant further submits that the delay (i) between the Amendment and Response to Restriction Requirement filed April 12, 2002 and the Notice of Abandonment mailed October 21, 2002; and (ii) between the Request for Reconsideration of Holding of Abandonment filed November 12, 2002 and the Application Status Check conducted August 27, 2003 was not an intentional attempt on the part of Applicant to delay prosecution and/or revival of the application. Applicant timely filed (i) a reply to the Office Action mailed February 12, 2002 and (ii) a Request for Reconsideration of Holding of Abandonment in response to the Notice of Abandonment mailed October 21, 2002. In each case, an Auto-Reply Facsimile Transmission and/or a return-receipt postcard confirmed that the filing was received by the USPTO. Applicant

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Attorney Docket No.: 2003080-0054  
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assumed that prosecution of the Application was active and in progress; and attributed the delay in receiving timely PTO Actions to overload at the USPTO end.

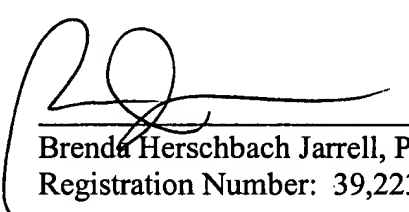
Applicant reserves the right to apply for patent term extension under 35 U.S.C. § 154 to remedy USPTO delay during prosecution of the present Application.

Applicant thanks the Director for careful consideration of this Petition and respectfully requests that the Petition be favorably acted upon.

A check in the amount of \$130.00 for the Petition Fee required under 37 C.F.R. § 1.17(h) is provided herewith. Please charge any additional fees that may be associated with this matter, or credit any overpayments, to our Deposit Account No. 03-1721.



Respectfully submitted,

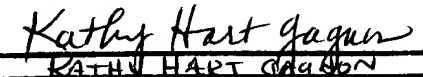
  
Brenda Herschbach Jarrell, Ph.D.  
Registration Number: 39,223

PATENT GROUP  
CHOATE, HALL & STEWART  
Exchange Place  
53 State Street  
Boston, MA 02109  
Tel: (617) 248-5000  
Fax: (617) 248-4000  
Dated: September 17, 2003

**CERTIFICATE OF MAILING**

"Express Mail" mailing label number EV 124826 133 US  
Date of Deposit: September 18, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Petition  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
KATHY HART GAGNON



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Serial No.: 09/641,742 Art Unit: 1642  
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For: NOVEL GLYCOCONJUGATES, GLYCOAMINO ACIDS, INTERMEDIATES  
THERETO, AND USES THEREOF

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 17, 2003

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**UNDER 37 C.F.R. § 1.181(a)**

A Notice of Abandonment issued on October 21, 2002 in the above-referenced patent application for alleged Applicant's failure to timely file a reply to the Office Action mailed February 12, 2002. The Notice of Abandonment indicated that no reply had been received by the United States Patent & Trademark Office (USPTO).

Applicant respectfully submits that the Application is not in fact abandoned. The facts involved are as follows:

***1. A Reply to the Office Action mailed February 12, 2002 was timely filed on April 12, 2002***

An Amendment and Response to Restriction Requirement, with an authorization to charge the small entity one-month extension fee of \$55.00 to our deposit account, was filed by facsimile on April 12, 2002 in the above-referenced application in response to the Office Action dated February 12, 2002. With the extension, the deadline for response to the Office Action was April 12, 2002, therefore the filing of the Amendment and Response to Restriction Requirement on April 12, 2002 was timely.

A copy of the April 12, 2002 filing is provided herewith as detailed in Section 2 below.

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**OFFICE OF PETITIONS**

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Client Reference No.: SK-893-US

**2. *A Request for Reconsideration of Holding of Abandonment was diligently filed on November 12, 2002***

Upon receipt of the Notice of Abandonment issued October 21, 2002, Applicant filed a Request for Reconsideration of Holding of Abandonment on November 12, 2002, pursuant to MPEP 711.03(b). The Request contained (1) a statement of the facts involved (as detailed in section 1 above), (2) a copy of the April 12, 2002 filing with Auto-Reply Facsimile Transmission, (3) a statement that the Application was in fact not abandoned and that the finding of abandonment be reconsidered, and (4) a return postcard.

Applicant has provided herewith a copy of the Transmittal Letter enclosing (i) Request for Reconsideration of Holding of Abandonment filed November 12, 2002; (ii) Copy of Amendment and Response to Restriction Requirement, Petition for one month extension of time, Transmittal, and ancillary documents, as filed with the USPTO on April 12, 2002; (iii) Choate, Hall & Stewart confirmation sheet verifying that facsimile was successfully transmitted on April 12, 2002; and (iv) Auto-Reply Facsimile Transmission from USPTO establishing that facsimile transmission was received on April 12, 2002. Also enclosed is a copy of the return postcard attesting receipt of the above-mentioned documents by the USPTO on November 15, 2002.

**3. *An Application Status Check was performed August 27, 2003***

Having not received any communication from the USPTO regarding the above-captioned application for over eight (8) months, Nadège M. Lagneau (Reg. No.: 51,908), Agent for Applicant, contacted Technology Center 1600 to inquire about the status of the Application. At that time, Nadège M. Lagneau was informed that the Application was still abandoned.

**4. *Examiner Karen A. Canella was contacted on August 27, 2003***

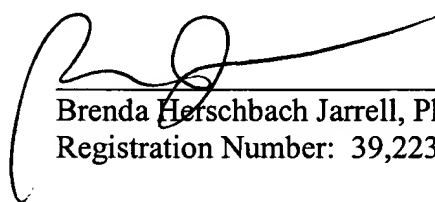
Upon being advised that the Application was abandoned, Nadège M. Lagneau immediately called Examiner Karen A. Canella to point out to her that her holding of abandonment was erroneous and to inquire about how to best resolve the situation. Nadège M. Lagneau was unable to speak to Examiner Canella directly, but left a voice message detailing the facts involved, and inviting the Examiner to call her at the Examiner's earliest convenience. As of today, September 17, 2003, Examiner Canella has not returned Nadège M. Lagneau's phone call.



In light of the above remarks and the enclosed materials, Applicant submits that the present application is in fact not abandoned and respectfully requests that the holding of abandonment be withdrawn.

It is believed that no fee is associated with the present Petition. Should Applicant be mistaken, please charge any additional fees that may apply, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,

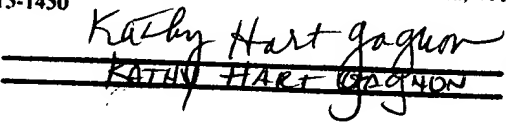
  
Brenda Herschbach Jarrell, Ph.D.  
Registration Number: 39,223

PATENT GROUP  
CHOATE, HALL & STEWART  
Exchange Place  
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Boston, MA 02109  
Tel: (617) 248-5000  
Fax: (617) 248-4000  
Dated: September 17, 2003

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KATHY HART GAGNON



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Serial No.: 09/641,742 Art Unit: 1642  
Filed : August 18, 2000  
For: NOVEL GLYCOCONJUGATES, GLYCOAMINO ACIDS, INTERMEDIATES  
THERETO, AND USES THEREOF

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT  
(MPEP 711.03(b))

A Notice of Abandonment issued on October 21, 2002 in the above-referenced patent application for alleged Applicant's failure to timely file a reply to the Office Action mailed February 12, 2002.

Applicant disagrees with Examiner's holding of abandonment and respectfully requests that the finding of abandonment be reconsidered.

Applicant notes that an Amendment and Response to Restriction Requirement, with an authorization to charge the small entity one-month extension fee of \$55.00 to our deposit account, was filed by facsimile on April 12, 2002 in the above-referenced application in response to the Office Action dated February 12, 2002. With the extension, the deadline for response to the Office Action was April 12, 2002, therefore the filing of the Amendment and Response to Restriction Requirement on April 12, 2002 was timely. Applicant has provided herewith a copy of the Transmittal Letter enclosing (i) Amendment and Response to Restriction Requirement (30 pp.), (ii) Petition for one month extension of time (1 pg.), (iii) Statement Filed Pursuant to the Duty of Disclosure Under 37 C.F.R. § 1.56, 1.97 and 1.98 (4 pp.), (iv) Form PTO-1449 (1 pg.) and (v) cited art (4 references). Also enclosed is a copy of the Auto-Reply Facsimile Transmission attesting receipt of the above-mentioned documents by the United States Patent & Trademark Office on April 12, 2002.

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In light of the enclosed materials, Applicant submits that the present application is in fact abandoned and respectfully requests that the finding of abandonment be withdrawn.

Please charge any additional fees that may be associated with this matter, or credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully submitted,

  
\_\_\_\_\_  
Nadège M. Lagneau, Ph.D.  
Registration No. 51,908

Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5150  
Date: November 12, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231  
on November 12, 2002  
Nadège M. Lagneau